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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEBSTER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 8, 2011.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

HOUSE CONGRESSIONAL PAGES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, tonight is a very historic joint session of Congress. Indeed, it is unique in the history of our Nation.

Not because it was the first time a President's request had been refused by the Speaker. No. Or that the President's speech, in and of itself, is somehow going to be extraordinary, although we all hope that it is.

This event is historic because for the first time in two centuries, there will

be no young House pages in attendance when the President takes the podium behind me. There will be no sea of young men and women in blue blazers with bright faces intent on shaking the President's hand and drinking in the ceremony and the significance of a joint session of Congress.

This is sad on so many levels, especially as a symbol of why Congress is held in such low esteem. Many here understand the cost of a program but fail to understand its value.

Dedicated staff were dismissed without notice in a decision that was announced via press release without a chance for the people who care passionately about the program to argue for its future or help pay for it. It may save a few million dollars, but we lose the opportunity to enrich thousands of lives whose influence and contributions have spread across the decades and across America, while strengthening and uplifting this institution. This is part of a disturbing trend here in Congress, devaluing youth and civic education.

Also scheduled for elimination is the Classroom Law Project sponsored "We the People" program and the national high school Constitution competition that takes place every year all across the country. This is at a time when our friend, the esteemed documentary producer, Ken Burns, points out that the average teenager can name eight kinds of blue jeans but can't name eight American Presidents. Yet Federal support for civic education is not on the radar screen here in Washington, D.C.

This is not really any different than the other basic infrastructure that is falling victim to reckless budget knives and congressional indifference. The young people who participate in the page program and the Classroom Law Project could easily construct a path forward for this Congress and the President.

These young people would craft a path forward that featured a balanced

and fair revenue system that would raise revenue and reduce the deficit. They would accelerate health care reform, not put sand in the gears. They would right-size and redirect our military involvement, and they would reform agricultural programs to help more family farms and ranchers while saving money.

These alumni could figure it out, while those who control the levers of power in the House pursue an extreme agenda that is not what America needs or what Americans want. These young people, the pages, may not be in attendance here this evening, but their absence speaks volumes about political dysfunction and a shortsighted agenda.

I hope we will all listen to them.

CHIEF ENFORCER OF THE LAW OR CHIEF IGNORER OF THE LAW?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, I come today to talk to you about something pretty basic—that is our Constitution, the way our Constitution was set up. We all learned in civics that this body, Congress, writes the laws for the people.

Down the street the Supreme Court interprets that law, they judge that law. And the executive branch is the branch of government that we expect through our Constitution to execute the law or enforce the law. In fact, our Constitution in article 2 states specifically about the President and gives the President a job and a duty that no other person in this country has under our Constitution.

Besides taking the oath to uphold the Constitution, article 2, section 3, says that the President shall "take care that the laws be faithfully executed", that the laws are in the hands of the President, and he is to take care that he fulfills his obligation to execute

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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those laws, to follow those laws. That's the way our Constitution is set up, but that is not occurring. Because, you see, we have laws in this country that this body has passed that the administration doesn't want to enforce.

In fact, recently, the administration sent down an edict through its administrative agencies and said no longer will the President be the chief enforcer of the law. He will, in my opinion, become the chief ignorer of the law, the immigration laws. Because, you see, Immigration Services has decided, well, we are really not going to enforce the law that applies to all of those people that are here in the United States illegally.

So we are going to defer action. What does that mean? Here's what it means, Mr. Speaker. It means that people who have been charged with being in the country illegally, who are waiting for their hearings, waiting to be deported, they are going to get a pass if they haven't committed some serious crime or some other condition that Immigration Services has outlined.

And if people are in this country illegally and they haven't committed a violent crime, well, they are going to get a pass too. They are not going to be deported because the law will not be enforced. The action of prosecuting them will be deferred indefinitely.

Now, whether it's a good idea or not to let certain people stay in the country because of certain reasons is not the issue. The issue is Congress has not authorized this so-called prosecutorial discretion. I was a prosecutor, many Members were prosecutors. Before I was a judge, I was a prosecutor.

Prosecutorial discretion means this: A case comes before the prosecutors's office and you read the case and you find out, hey, this person may not be guilty or there is no evidence to prove they did this. So you dismiss that case because the person is innocent.

The law sets up reasons for why there is prosecutorial discretion, but not so anymore. The Administration has written exceptions to the law. There are 20 reasons, Immigration Services says—by no means these are exhaustive—why people should not be deported any longer.

What that means is Immigration Services has given a list of reasons, well, we are not going to deport these people for these reasons. They don't have that authority. Congress writes the laws, not the administration. And just because the administration doesn't like the law gives them no authority to say we are going to ignore certain laws for this reason. I notice that this memo that came out from Immigration Service came out while Congress was in recess.

The chief enforcer of the law has the duty to enforce the rule of law. We write them, the President enforces it. Whether the President, the administration, Immigration Services likes it or not, they are going to enforce the rule of law and not come out with some

memo saying, well, here are some exceptions to the law, we are just not going to get around to deporting people because of these numerous reasons.

□ 1010

In essence, the administration has altered the law by edict—or by memo in this case. It is the obligation of the chief enforcer of the law to enforce the rule of law, not to give a pass to certain people that are in this country illegally because of certain reasons. I don't know the reason why the President has made this decision. People can conjecture up their own reasons why certain folks are getting a pass.

But it is great news for people who are in the country illegally. It's great news for people who are coming to the country illegally. The Government is saying: "It's okay to stay in America as long as you don't commit some serious crime in the United States." And it is an obligation of the President to enforce the law, enforce the immigration laws that we write and not become the chief ignorer of the laws.

And that's just the way it is.

EXERCISING PROSECUTORIAL DISCRETION CONSISTENT WITH THE PRIORITIES OF THE AGENCY FOR THE APPREHENSION, DETENTION, AND REMOVAL OF ALIENS

FACTORS TO CONSIDER WHEN EXERCISING PROSECUTORIAL DISCRETION

When weighing whether an exercise of prosecutorial discretion may be warranted for a given alien, ICE officers, agents, and attorneys should consider all relevant factors, including, but not limited to—

the agency's civil immigration enforcement priorities;

the person's length of presence in the United States, with particular consideration given to presence while in lawful status;

the circumstances of the person's arrival in the United States and the manner of his or her entry, particularly if the alien came to the United States as a young child;

the person's pursuit of education in the United States, with particular consideration given to those who have graduated from a U.S. high school or have successfully pursued or are pursuing a college or advanced degrees at a legitimate institution of higher education in the United States;

whether the person, or the person's immediate relative, has served in the U.S. military, reserves, or national guard, with particular consideration given to those who served in combat;

the person's criminal history, including arrests, prior convictions, or outstanding arrest warrants;

the person's immigration history, including any prior removal, outstanding order of removal, prior denial of status, or evidence of fraud;

whether the person poses a national security or public safety concern;

the person's ties and contributions to the community, including family relationships;

the person's ties to the home country and conditions in the country;

the person's age, with particular consideration given to minors and the elderly;

whether the person has a U.S. citizen or permanent resident spouse, child, or parent;

whether the person is the primary caretaker of a person with a mental or physical disability, minor, or seriously ill relative;

whether the person or the person's spouse is pregnant or nursing;

whether the person or the person's spouse suffers from severe mental or physical illness;

whether the person's nationality renders removal unlikely;

whether the person is likely to be granted temporary or permanent status or other relief from removal, including as a relative of a U.S. citizen or permanent resident;

whether the person is likely to be granted temporary or permanent status or other relief from removal, including as an asylum seeker, or a victim of domestic violence, human trafficking, or other crime; and

whether the person is currently cooperating or has cooperated with federal, state or local law enforcement authorities, such as ICE, the U.S. Attorneys or Department of Justice, the Department of Labor, or National Labor Relations Board, among others.

This list is not exhaustive and no one factor is determinative. ICE officers, agents, and attorneys should always consider prosecutorial discretion on a case-by-case basis. The decisions should be based on the totality of the circumstances, with the goal of conforming to ICE's enforcement priorities.

FOOD INSECURITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, every year the Department of Agriculture collects, analyzes, and releases a report detailing the amount of domestic food insecurity. Yesterday, USDA released this report. This may sound like a wonkish, policy-driven report, but it is one of the most important reports written and released by any Federal agency. Simply put, Mr. Speaker, this is a report about hunger in America.

Our country is going through very difficult economic times; the most difficult since the Great Depression. One of the results of this recession has been an increase in hunger. Families who have lost their jobs or have seen their incomes reduced because of the economy have had a difficult time putting food on their tables. It's common to see families who once volunteered at or donated to local food pantries now stand in line for food from these very same nonprofit organizations. Unfortunately, these organizations have had difficulty meeting the demands they've faced over the past few years.

The good news, I suppose, is that the new USDA report shows that fewer people were food insecure in 2010 than in 2009. The bad news is that there are still 48.8 million Americans who struggled to put food on their tables last year.

Frankly, Mr. Speaker, these numbers are unacceptable. It's unconscionable that even one person in this country goes without food, let alone 48.8 million people. It breaks my heart that 16.2 million of these hungry people are children. That's almost a quarter of the total food insecure population.

President Obama pledged to end childhood hunger by 2015. It's clear, barring some dramatic shifts in policy, he's not going to achieve that goal. I regret that very much; so should every elected Member of this Congress.